FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 3474 OF 2004

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.

Court's or Judge's orders

Mr. Abhay Kulkarni for Petitioner.

CORAM : F.I. REBELLO &
S.P. KUKDAY,JJ.
DATED : JANUARY 28, 2005

P.C.

. Petitioner initially was in the appointment of the Sate Bank of Inida as Cashier between the period of 2.5.1967 to 6.5.1972. He thereafter joined Respondent No. 1 Bank from 8.5.1972 and took voluntary retirement on 31.3.2001. It is his case that the previous services in the State Bank of India has also to be counted for the purpose of calculating his pensionary benefits. Respondent No. 1 has only calculated service rendered by him with Respondent No. 1 for the purpose of calculating his pension. The learned counsel relies on the judgment of the Division Bench of Rajasthan High Court in

the case of Union of India and others Vs. Jawahar Lal Sharma, 2003 (98) FLR 436 to contend that past services can be considered.

. The learned counsel was asked whether considering conditions of service, which governed the services of the employees of the Nationalised Bank if there are any regulations whereby services in one bank can be counted for the purpose of calculating pensionary benefits in another bank. The learned counsel states that there are no such regulations. However, it is submitted that there is also no bar.

. The State Bank of India is an independent person at law distinct from Respondent No. 1. The Respondent No.. 1 by itself is a company incorporated under the Indian Companies Act. Unless there are regulations issued by which two banks have agreed that services rendered with each other can be calculated for the purpose of computing pension, that exercise cannot be done. The Judgement of the learned Division Bench of Rajasthan High Court is based on the rules prevailing and governing conditions of service. That would notbe applicable in so far as petitioner is

concerned. In the absence of any rules, petitioner has no legal right to claim past service which he had rendered with State Bank of India. Hence, no merit in the petition. Petition rejected. Rule discharged. No order as to costs.

(F.I.REBELLO,J.)

(S.P.KUKDAY,J.)